Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Delete, Delete, Delete	)	GN Docket No. 25-133

COMMENTS OF ECHOSTAR CORPORATION

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Table of Contents

I. The Commission Should Delete the Outdated Syndicated Exclusivity and Network Non-Duplication Rules for Satellite Carriers 3

II. The Commission Should Delete the Political File Rules Applicable to DBS Providers 6

III. The Commission Should Decline to Issue Any Market Modification Requests Going Forward 8

IV. The Commission Should Delete the Effective Prohibition on the Import of a Distant Signal During a Programming Blackout 10

V. The Commission Should Delete the HD Must-Carry Rules. 12

VI. The Commission Should Clarify That the "No Alteration/Deletion" Rule Allows Certain Innovative Offerings 14

VII. Conclusion 15

Exhibit 1: Proposed Deletions

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EchoStar Corporation submits these comments in response to the Commission's Public Notice initiating the "Delete, Delete, Delete" proceeding.[1] EchoStar commends Chairman Carr for launching the triple-delete initiative, a first in 50-year (if not the first ever) opportunity to review the Commission's rules comprehensively and eliminate those regulations that impose unnecessary burdens, stifle innovation, and no longer serve the public interest.

The pay-TV business has undergone significant changes since many of the rules governing video distribution were first conceived. The rise of streaming services, shifts in consumer viewing habits, and intense competition all demand a regulatory framework that is nimble, minimally burdensome, and technology-neutral. Unfortunately, numerous legacy regulations remain on the books that impose significant compliance costs to protect interests that may only need minimal protection, or that may not even exist. These outdated, disproportional rules hinder EchoStar's ability to innovate, often with little or no corresponding public interest benefit.

In these comments, EchoStar identifies specific Commission regulations ripe for wholesale deletion or substantial curtailment.[2] These include outdated interpretations and

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[1] Public Notice, *In Re: Delete, Delete, Delete*, GN Docket No. 25-133, DA 25-219 (Mar. 12, 2025).

[2] *See* Exhibit 1 for EchoStar's specific proposed deletions.

implementations of statutory requirements, burdensome reporting and procedural mandates, and restrictions that prevent EchoStar from deploying the innovative features and flexible service offerings that consumers desire. In many cases, the governing statute leaves the agency with ample freedom to delete, and the current heavy-handed interpretations of a statutory provision needs to give way to a more flexible, more creative reading. EchoStar therefore recommends that the Commission delete, or effectively delete, the following regulatory requirements:

- **Abolish the Syndicated Exclusivity and Network Non-Duplication Rules**: Eliminate these outdated requirements, 47 C.F.R. § 76.122 and § 76.1223, which are not mandated by statute, require the maintenance of a blackout mechanism for only a few grandfathered "nationally distributed superstations" that generally no longer seem to broadcast duplicative content, and therefore impose unnecessary compliance burdens.

- **Abolish the Political File Rules Applicable to DBS Providers**: Eliminate the political file requirements specifically applied to DBS operators (47 C.F.R. § 25.701(d)), as they lack a clear statutory basis for DBS, impose significant administrative costs, and provide minimal public value.

- **Decline to Issue Further Market Modifications**: Exercise the Commission's statutory discretion under 47 U.S.C. § 338(l) to cease granting satellite television market modification requests, as the process imposes undue burdens and the need has diminished significantly due to technological and marketplace changes.

- **Effectively Delete the Prohibition on Importing Distant Network Signals during a Blackout**: Permitting the importation of a distant signal during blackouts is a simple way to protect consumers and restore balance to negotiations. To help delete the current prohibition, the Commission does not need to enact a new rule: broadcasters have the power to waive the distant signal restriction. The Commission can accomplish this significant pro-consumer outcome by reminding broadcasters of the totality of the circumstances standard (47 C.F.R. § 76.65(b)(4)) applicable to the good faith requirement and explaining that a refusal to grant a waiver in such circumstances can be relevant under the standard.

- **Abolish the "HD Carry-one, Carry all" Rules**: Delete the rules (47 C.F.R. § 76.66(k)) requiring the carriage of all broadcast stations in a local market in high-definition ("HD") if the satellite carrier carries any broadcast station in that local market in HD, as there is a strong argument these rules are not required by statute.

- **Clarify the "No Alteration/Deletion" Rules**: Clarify the alteration of broadcast signal rules (47 C.F.R. § 76.66) to explicitly permit pro-consumer innovations like multiview functionality.

Eliminating or streamlining these regulations, as detailed below, aligns with the Commission's goals in this proceeding to reduce unnecessary costs, foster competition and innovation, and remove rules whose costs outweigh their benefits or which have been rendered obsolete.

I. The Commission Should Delete the Outdated Syndicated Exclusivity and Network Non-Duplication Rules for Satellite Carriers

The Commission's syndicated exclusivity and network non-duplication rules were first promulgated in the 1960s, deleted in 1980, then reinstated in 1988.[3] These rules, codified for satellite carriers at 47 C.F.R. § 76.123 and § 76.122, respectively, have become obsolete due to changes in circumstances during the past nearly three decades, and there is no longer any justification for keeping them in today's hypercompetitive pay-TV marketplace.

Explanation of Rules. The rules give local broadcasters and syndicators a blackout right based on a "zone of protection" and superimpose that zone on the DMA system that is the basis for retransmission consent rules. They apply only to grandfathered broadcast stations, the so-called nationally distributed superstations,[4] of which there were six.[5]

Authority and Rationale for Deletion. The Commission already concluded in 2014 that it has authority to eliminate both the syndicated exclusivity and network non-duplication rules: "we see no statutory provision that requires the Commission to keep the exclusivity rules on the

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[3] *Cable Television Syndicated Program Exclusivity Rules in the Matter of Inquiry into the Econ. Relationship Between Television Broadcast & Cable Television*, Report and Order, 79 FCC2d 663, 665 (1980); *Amendment of Parts 73 & 76 of the Commission's Rules Relating to Program Exclusivity in the Cable & Broadcast Industry*, Report and Order, 3 FCC Rcd. 5299 (1988).

[4] 47 C.F.R. § § 76.120(b).

[5] The nationally distributed superstations stations were: KTLA-TV (Los Angeles), WPIX-TV (New York), KWGN-TV (Denver), WSBK-TV (Boston), WWOR-TV (New York) and WGN-TV (Chicago). *See Implementation of the Satellite Home Viewer Improvement Act of 1999*, Notice of Proposed Rulemaking, 15 FCC Rcd. 434, 437 ¶ 6 (2000).

books."[6] The Commission further reasoned that "Congress did not explicitly mandate that the Commission adopt the network non-duplication and syndicated exclusivity rules for cable"; as for satellite, "Congress's intent was to place satellite carriers on an equal footing with cable operators with respect to the availability of television programming."[7]

This is true; when Congress addressed syndicated exclusivity and network non-duplication rules in the Satellite Home Viewer Improvement Act of 1999, it did not mandate specific rules by statute. Instead, Congress directed the Commission to "apply network nonduplication protection (47 CFR 76.92) [and] syndicated exclusivity protection (47 CFR 76.151) . . . to the retransmission of the signals of nationally distributed superstations by satellite carriers to subscribers[.]"[8] By merely referencing existing regulatory provisions, failing to command the Commission to promulgate any rules, and not revoking the Commission's general rulemaking authority to change either rule, Congress left in place the Commission's authority to delete them both.[9] The Commission should do so now as part of this proceeding.

The rules create a considerable burden for little benefit. Historically, nationally distributed superstations used to broadcast duplicative and highly desirable programming—particularly live sports content—that was subject to broadcasters' local exclusivity rights. Today, however, as the following chart demonstrates, these stations no longer broadcast the

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[6] *Amendment of the Commission's Rules Related to Retransmission Consent, Report and Order and Further Notice of Proposed Rulemaking*, 29 FCC Rcd. 3351, 3385 ¶ 57 (2014) ("*Retransmission Consent FNPRM")*.

[7] *Id*. at 3385 ¶ 56.

[8] 47 U.S.C § 339(b)(1)(A).

[9] *Retransmission Consent FNPRM*, 29 FCC Rcd. at 3386 ¶ 57 ("And we see no statutory provision that requires the Commission to keep the exclusivity rules on the books. Indeed, over the years, the Commission has made significant adjustments to the exclusivity regulatory scheme based on changed circumstances, for example, promulgating the syndicated exclusivity rules in 1972, repealing the syndicated exclusivity rules in 1980, and then reinstating the syndicated exclusivity rules in 1988.").

popular sports programming that made local exclusivity an important tool in a broadcaster's arsenal. For example, WGN-TV lost rights to the Chicago White Sox, Chicago Bulls, and Chicago Blackhawks games in 2019 while KTLA hasn't broadcast Los Angeles Dodgers games since 2001.

Superstation	**Current Owner**	**Date of Ownership Change**	**Current Affiliation**	**Lost sports programming (year)**
WSBK-TV	Paramount Global	1995	Independent	Boston Red Sox (2005); Boston Bruins (2002); Boston Celtics (1998); Atlantic Coast Conference (2019)
WGN-TV	Nexstar	2019	The CW	Chicago White Sox, Chicago Bulls, Chicago Blackhawks (2019)
KWGN-TV	Nexstar	2019	The CW	Colorado Rockies (2002); Denver Nuggets (2004)
KTLA	Nexstar	2018	The CW	Los Angeles Angels (1995); Los Angeles Dodgers (2001)
WPIX	Mission	2020	The CW	New York Yankees (2022)
WWOR-TV	Fox	2000	MyNetworkTV	New York Mets (1999)

In addition, the corporate ownership and distribution models of these six stations have changed dramatically since that time, arguably rendering their classification as superstations moot. WGN-TV evolved into the network WGN America and was subsequently relaunched by its new

owner Nexstar into the cable news channel NewsNation.[10] WWOR-TV has not been a superstation since 1997.[11] KTLA, WPIX, KWGN became affiliates of The CW network.[12] In short, the syndicated exclusivity and network non-duplication rules are relics in search of an increasingly elusive purpose.

II. The Commission Should Delete the Political File Rules Applicable to DBS Providers

The Commission should also delete the political file rules for DBS providers contained in Section § 25.701(d). These rules lack a statutory basis, are burdensome to maintain, and offer minimal value to the public.

Explanation of Rules. These rules require DBS providers to maintain detailed records of every request to purchase airtime on "behalf of a legally qualified candidate for public office" or that "communicates a message relating to any political matter of national importance," including whether the request was granted, the rates charged, and the identity of the person or committee purchasing the airtime, among others.[13]

Authority and Rationale for Deletion. Here, too, the rules are not mandated by statute. The Commission imposed the political files requirement on DBS operators not because the text of the Communications Act requires it but because the Commission thought the rules fulfilled the

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[10] Press Release, Nexstar Media Group, *Nexstar Media's Cable Network, WGN America, to Rebrand as NewsNation* (Jan 25, 2021), https://www.nexstar.tv/wgn_america_newsnation_rebrand_2021/.

[11] *N.Y.'s WWOR loses super status*, Broadcasting & Cable (Jan. 6, 1997), https://web.archive.org/web/20121105151525/http://www.highbeam.com/doc/1G1-19009914.html.

[12] Press Release, Nexstar Media Group, *The CW Television Network and Nexstar Media Group Renew Affiliation Agreements* (May 20, 2021), https://www.nexstar.tv/cw_television_network_and_nexstar_renew_affiliation_agreements_2021/; KWGN Station Profile, Nexstar Media Group (last visited Apr. 10, 2025), https://www.nexstar.tv/stations/kwgn/.

[13] 47 C.F.R. § 25.701(d).

spirit of broader public interest requirements. The political file obligations of the Act are found in Section 315(e), but this section does not cover DBS providers on its face. Section 335 extends a subpart of Section 315 to DBS providers, but only "the use of facilities requirements of section 315," *not* the political file requirements of Section 315(e).[14] That specificity itself suggests that Congress, fully knowing what it was doing, intended to not mandate the political file requirement for DBS providers. And the order implementing the rule invoked only the spirit of the law, and pointedly not its letter: "The Commission has stated that DBS providers are required to comply with the public file obligation *within the spirit of* the Act's political broadcasting requirement."[15] This is a tenuous basis on which to impose such a burdensome requirement on DBS operators.

The rules no longer make sense in the digital age, pose privacy concerns, and are out of step with First Amendment limitations on political advertisement disclosures.[16] A diverse array of sources exists to track political spending, many of which provide more granular and responsive data than the political file.[17] Additionally, the political file rules mandate the collection of extensive personal information about candidates, which risks invading the privacy of the candidates or their staff. Moreover, the Commission adopted the political file rules before a series of campaign finance disclosure rulings changed the standard for political advertising

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[14] *See* 47 U.S.C. § 335(a) (emphasis added).

[15] Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, *Second Order on Reconsideration of First Report and Order*, 19 FCC Rcd. 5647, 5661 ¶ 35 (2004) (emphasis added).

[16] *See, e.g.* Congressional Research Service, *First Amendment Limitations on Disclosure Requirements* (Apr. 26, 2023), https://www.congress.gov/crs-product/IF12388 (explaining that "courts have struck down disclosure requirements that are unduly burdensome and fail means-end scrutiny.").

[17] *See, e.g.* Federal Election Commission, Campaign Finance Data, https://www.fec.gov/data/spending-bythenumbers/.

disclosure.[18] The rules now stand on much less firm constitutional grounding than they did in 1998, and the Commission should remove them to reflect that changed legal landscape.

III. The Commission Should Decline to Issue Any Market Modification Requests Going Forward

The Commission should exercise its discretionary authority under 47 U.S.C. § 338(l)(1) to cease issuing further discretionary market modifications under 47 C.F.R. § 76.59. The statute explicitly grants the Commission broad discretion, stating that the Commission "may" modify market definitions upon request. Continuing to grant individualized market modifications is no longer justified and imposes unnecessary burdens on DBS providers and the Commission itself.

Explanation of Rule. Recognizing that a handful of satellite TV subscribers were not able to access their home state's news, politics, and other television programming, Congress in 2014 added satellite television carriage to the Commission's market modification authority, providing a means for the Commission to modify the local television market of a commercial television broadcast station to include a new county community.[19] The Commission adopted and implemented rules establishing a satellite television market modification process in 2015.[20]

Authority and Rationale for Modification. Fortunately, the statute providing the Commission with market modification authority is not a mandate to grant all such requests:

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[18] *See Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021) (applying a more rigorous form of exacting scrutiny and requiring narrow tailoring to a noncampaign-finance donor disclosure requirement).

[19] STELA Reauthorization Act of 2014, § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (STELAR) (adding 47 U.S.C. § 338(l)).

[20] Amendment to the Commission's Rules Concerning Market Modification Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, 30 FCC Rcd. 10406 (2015) ("*Market Modification Order"*) (applying 47 C.F.R. § 76.59 to DBS providers).

Market modification is entirely discretionary under the law because Congress has specified only that the Commission "may" decide to modify a market.[21] As the Supreme Court "has repeatedly observed, the word 'may' clearly connotes discretion."[22] The Commission should use the discretion it has been granted to sunset the satellite television market modification regime in 47 C.F.R. § 76.59 by refusing to grant any further such requests.

This regime has outlived its usefulness, placing an outsized burden on DBS providers now that communities have had a decade to request modification. Historically, market modifications were intended to address limited anomalies in broadcast access and distribution.[23] For example, so-called "orphan" counties—such as La Plata County, Colorado, which for many years only received broadcasts from neighboring New Mexico rather than its home state—have been granted market modifications by the Commission.[24] These requests require satellite TV providers to undertake onerous review processes, including spot beam coverage analysis, to determine whether a modification request is technically infeasible[25]—which some indeed are.[26]

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[21] 47 U.S.C. § 338(I)(1).

[22] *Bouarfa v. Mayorkas*, 604 U.S. 6, 13 (2024) (citing *Biden v. Texas*, 597 U.S. 785, 802 (2022)) (cleaned up).

[23] *Market Modification Order*, 30 FCC Rcd. at 10408 ¶ 3 (establishing "a market modification process for the satellite carriage context [in order to] address satellite subscribers' inability to receive in-state programming in certain areas, sometimes called 'orphan counties.'").

[24] *See* La Plata County, Colorado, *Memorandum Opinion and Order*, 34 FCC Rcd. 5030 (2019) (affirming the Bureau Order modifying the market of Denver-based stations to include La Plata County); *see also id*. at 5031 ¶ 3 ("In adopting a satellite market modification process…Congress made clear that it intended to address the so-called 'orphan county' problem.").

[25] Victory Television Network, Inc., *Memorandum Opinion and Order*, 32 FCC Rcd. 7389, 7394 ¶ 11 (2017) (stating that providers must "demonstrate spot beam coverage infeasibility by providing a detailed and specialized certification, under penalty of perjury.").

[26] *See, e.g.*, Gray Television Licensee, LLC, *Memorandum Opinion and Order*, 33 FCC Rcd. 4889 (2017) (denying application for market modification on the basis of economic and technical infeasibility).

But the video marketplace of 2025 bears little resemblance to that of 2014 when STELAR granted the Commission satellite modification authority. The underlying rationale for market modifications has since been substantially eroded by technological advancements, availability of local-into-local satellite service, and alternative video distribution platforms such as vMVPDS aided by the spread of robust broadband service. Consumers now have unprecedented flexibility to access programming beyond traditional broadcast market boundaries without needing regulatory intervention.

Continued market modification requests create administrative complexity and uncertainty. Each modification request demands considerable Commission resources and imposes significant compliance burdens on DBS operators; in addition to the burden of exploring the technical feasibility at the request stage, as mentioned above, DBS providers must often adapt their operational systems post-grant to accommodate fragmented markets. Halting market modification requests on a going-forward basis offers a way out. Existing modifications would remain undisturbed, ensuring continuity and avoiding disruption to consumers covered under previously approved adjustments.

IV. The Commission Should Delete the Effective Prohibition on the Import of a Distant Signal During a Programming Blackout

The Commission should delete the effective prohibition on the importation of a distant network station during a retransmission consent dispute with a local station affiliated with the same network by stating that a local broadcast station's refusal to grant a station-specific waiver to a satellite carrier for the retransmission of a distant network station to subscribers in that local market during a blackout caused by a retransmission consent negotiation impasse is relevant to

the totality of the circumstances standard for evaluating the parties' good faith.[27] This change would protect consumers and avoid any disruption in service.

Explanation of Rule. DBS providers are generally prohibited from importing the signal of a distant television station affiliated with a particular network into the local market of an in-market station affiliated with that same network.[28] However, the local network station can grant a waiver to permit the DBS provider to retransmit the distant affiliate's signal.[29] In the event of a blackout when a retransmission consent station and satellite carrier do not reach agreement on renewal, the DBS provider loses the authority to retransmit the local station. If the local station simultaneously refuses to grant the Section 339 waiver, the DBS provider is also barred from providing the distant affiliate as an alternative source of network programming. This refusal effectively functions as a prohibition on importing the distant signal during the dispute, leaving consumers without access to network programming they expect and pay for, even when a technically feasible alternative exists that is solely within the local station's control to allow.

Authority and Rationale for Effective Deletion. The Commission can eliminate this consumer harm by clarifying the application of its existing good faith negotiation rules. Broadcasters and MVPDs must negotiate retransmission consent in good faith.[30] In evaluating good faith, the Commission does not only consider a number of *per se* prohibitions; it also

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[27] *See* 47 U.S.C. § 325(b)(3)(C); 47 C.F.R. § 76.65(b)(4) ("[A] Negotiating Entity may demonstrate, based on the totality of the circumstances of a particular retransmission consent negotiation, that a television broadcast station or multichannel video programming distributor breached its duty to negotiate in good faith[.]").

[28] 47 U.S.C. § 339(a)(2).

[29] 47 U.S.C. § 339(a)(2)(E).

[30] 47 U.S.C. § 325(b)(3)(C).

applies the "totality of the circumstances" standard.[31] That standard is designed to allow the Commission to evaluate conduct that demonstrates a lack of good faith or constitutes an abuse of the negotiation process even though it does not fall within one of the *per se* prohibitions. The Commission should confirm that a local station's refusal to grant a Section 339 waiver during a blackout is relevant to the Section 76.65(b)(4) totality of the circumstances standard. Such a refusal, particularly when an alternative signal is readily available and its importation is solely dependent on the station's waiver, can be used as a potent form of negotiating leverage, intentionally maximizing customer disruption to pressure the DBS provider into accepting the station's terms for ever-increasing retransmission consent fees. Simply stated, in these circumstances, the local station effectively uses consumers as pawns. Evaluating this conduct as part of the overall negotiation context falls squarely within the Commission's authority and duty under Section 325(b)(3)(C) to ensure good faith bargaining. This clarification would recognize that a station's refusal to grant a waiver during a retransmission consent blackout can be relevant to the Commission's good faith evaluation under the totality of the circumstances standard.

V. The Commission Should Delete the HD Must-Carry Rules.

The Commission should eliminate the high-definition (HD) "carry-one, carry-all" rules for DBS providers under 47 C.F.R. § 76.66(k).

Explanation of Rules. Under the Commission's rules, if a satellite carrier retransmits any local broadcast station in HD, then it must carry all broadcast stations in that local market in HD.[32]

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[31] 47 C.F.R. § 76.65(b)(4).

[32] 47 U.S.C. § 340(b)(2); 47 C.F.R. § 76.66(k).

Authority and Rationale for Deletion. The Commission only promulgated this rule pursuant to a directive that it issue carriage requirements on satellite carriers that are "comparable" to those of cable operators under Sections 534(b)(3) and (4) and 535(g)(1) and (2) of the Communications Act.[33] There is nothing in these sections specifically imposing an HD carry-one, carry-all requirement on satellite carriers—there are only narrow, bespoke requirements that protect particular stations or stations in particular circumstances (non-commercial stations; local stations when significantly viewed signals are imported).[34] And of course, by adding the narrow requirements for non-commercial stations, Congress demonstrated that it knew how to mandate specific technical carriage requirements when it wanted to—the lack of such a mandate for commercial stations' HD signals is telling.

The Commission's HD must-carry rules have placed unique, disproportionate burdens on DBS providers. The rule in fact limits competition because it imposes a significant technical and financial burden on satellite carriers. Satellite and cable services differ substantially in terms of technology, business model, and capacity constraints. DBS platforms operate with limited downlink spectrum, placing significantly greater constraints on channel capacity than those faced by terrestrial cable operators. As the Commission found in 2008:

> [F]or satellite carriers, the capacity used for local channels is separate from the capacity used for national channels and the two are generally not interchangeable. As a result, even if a local station is not presently broadcasting in HD or is only broadcasting a minimal amount of HD programming, a satellite carrier must set aside capacity when planning new satellite construction to accommodate the possibility of future HD programming. This capacity would go unused, or lie fallow, until the stations are actually broadcasting in HD. Reservation of otherwise unused 'fallow bandwidth' is particularly burdensome because a higher percentage of a satellite

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[33] 47 U.S.C. § 338(j).

[34] 47 U.S.C. § 338(a)(5)(A); 47 U.S.C. § 340(b)(2).

> carrier's capacity is dedicated to local channel carriage relative to the percentage necessary for a cable operator.[35]

This is as true today as it was over 10 years ago. Bandwidth on satellite systems remains a finite and valuable resource. Mandating HD carriage for every local station, regardless of viewership or consumer demand, forces DBS operators to allocate their capacity inefficiently. The rule limits satellite operators' flexibility to offer other services consumers may value more, such as additional channels, 4K programming, or enhanced interactive features.

Given that the statute does not explicitly mandate HD carriage, the Commission should delete the HD carriage rule for DBS carriers to better align regulatory policy with the realities of DBS service delivery.

VI. The Commission Should Clarify That the "No Alteration/Deletion" Rule Allows Certain Innovative Offerings

The Commission should clarify the rules implementing signal integrity requirements. A rigid application of the no-alteration rules impedes the development of innovations that modern-day viewers desire and that are technically feasible without harming the availability or integrity of the broadcaster's primary feed.

Explanation of Rule. The "no-alteration" of broadcast content rule originated as part of the must-carry regulations, requiring providers to retransmit local broadcast signals exactly as received—without any modification, editing, or insertion.[36] The goal was to protect local broadcasters by ensuring viewers received unmodified, locally relevant content and commercials, thus preserving localism and broadcasters' advertising revenue.

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[35] Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, *Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking*, 23 FCC Rcd. 5351, 5359 ¶ 11 (2008) (citing March 12, 2008 DISH Network Letter).

[36] *See* 47 C.F.R. § 76.66 (j)-(k).

Authority and Rationale for Modification. Today's dramatically different video marketplace has permitted innovations that the prohibition on alteration was not intended to bar. Modern video distribution platforms now support value-added consumer features such as multiview programming—an innovation unimaginable when the rule was established, but that can improve the viewer experience without undermining localism. Multiview functionality enables a viewer to watch multiple video streams simultaneously, usually using up to four quadrants of the screen. The viewer generally has the ability to select which of the displayed feeds provides the active audio feed. It is particularly useful during multiple live sports events such as the March Madness Tournament or the Olympics.

The Commission should thus re-evaluate and modernize the no-alteration rule. For example, the Commission could clarify that multiview functionality does not constitute an impermissible "material degradation" of broadcast content as long as the primary broadcast signal remains accessible in its full, original form. If the subscriber can easily select and watch the unmodified broadcast channel as transmitted, it would not be a modification of the broadcast content to show it side-by-side with another channel. For instance, displaying four 1080p streams on a 4K screen would maintain HD quality for the stream in each quadrant. Even displaying four 540p quadrants on an HD screen (1080p) is comparable to standard definition quality and would be permissible under the "reasonable digital compression" exception of § 76.66(k).

VII. Conclusion

As Chairman Carr stated when he announced the formation of this proceeding: "For too long, administrative agencies have added new regulatory requirements in excess of their

authority or kept lawful regulations in place long after their shelf life had expired."[37] The rules identified in these comments are prime examples of these types of regulations. EchoStar urges the Commission to seize this important opportunity to modernize its rulebook by repealing or modifying these relics of a bygone technological era.

Respectfully submitted,

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[37] News Release, *FCC Chairman Carr Launches Massive Deregulation Initiative* (Mar. 12, 2025), https://docs.fcc.gov/public/attachments/DOC-410147A1.pdf.

Exhibit 1: Proposed Deletions

Syndicated Exclusivity and Non-Duplication Rules

47 CFR § 76.122. Satellite network non-duplication.

(a) Upon receiving notification pursuant to paragraph (c) of this section, a satellite carrier shall not deliver, to subscribers within zip code areas located in whole or in part within the zone of protection of a commercial television station licensed by the Commission, a program carried on a nationally distributed superstation or on a station carried pursuant to § 76.54 of this chapter when the network non-duplication rights to such program are held by the commercial television station providing notice, except as provided in paragraphs (j), (k) or (l) of this section.

(b) Television broadcast station licensees shall be entitled to exercise non-duplication rights pursuant to § 76.122 in accordance with the contractual provisions of the network-affiliate agreement, and as provided in § 76.124.

(c) In order to exercise non-duplication rights pursuant to § 76.122, television stations shall notify each satellite carrier of the non-duplication sought in accordance with the requirements of this section. Non-duplication protection notices shall include the following information:

(1) The name and address of the party requesting non-duplication protection and the television broadcast station holding the non-duplication right;

(2) Where the agreement between network and affiliate so identifies, the name of the program or series (including specific episodes where necessary) for which protection is sought;

(3) The dates on which protection is to begin and end;

(4) The name of the network (or networks) which has (or have) extended non-duplication protection to the broadcaster;

(5) The time periods by time of day (local time) and by network (if more than one) for each day of the week that the broadcaster will be broadcasting programs from that network (or networks) and for which non-duplication protection is requested;

(6) The duration and extent (e.g., simultaneous, same-day, seven-day, etc.) of the non-duplication protection which has been agreed upon by the network (or networks) and the broadcaster; and

(7) A list of the U.S. postal zip code(s) that encompass the zone of protection under these rules.

(d) Broadcasters entering into contracts providing for network non-duplication protection shall notify affected satellite carriers within 60 calendar days of the signing of such a contract; provided, however, that for such contracts signed before November 29, 2000, the broadcaster may provide notice on or before January 31, 2001, or with respect to pre-November 29, 2000 contracts that require amendment in order to invoke the provisions of these rules, notification may be given within sixty calendar days of the signing of such amendment.

(e) Except as otherwise provided in this section, a broadcaster shall be entitled to non-duplication protection beginning on the later of:

(1) The date specified in its notice to the satellite carrier; or

(2) The first day of the calendar week (Sunday through Saturday) that begins 60 days after the satellite carrier receives notice from the broadcaster; Provided, however, that with respect to notifications given pursuant to this section prior to June 1, 2001, a satellite carrier is not required to provide non-duplication protection until 120 days after the satellite carrier receives such notification.

(f) A broadcaster shall provide the following information to the satellite carrier under the following circumstances:

(1) In the event the protection specified in the notices described in paragraph (c) of this section has been limited or ended prior to the time specified in the notice, or in the event a time period, as identified to the satellite carrier in a notice pursuant to paragraph (c) of this section, for which a broadcaster has obtained protection is shifted to another time of day or another day (but not expanded), the broadcaster shall, as soon as possible, inform each satellite carrier that has previously received the notice of all changes from the original notice. Notice to be furnished "as soon as possible" under this paragraph shall be furnished by telephone, telegraph, facsimile, e-mail, overnight mail or other similar expedient means.

(2) In the event the protection specified in the notices described in paragraph (c) of this section has been expanded, the broadcaster shall, at least 60 calendar days prior to broadcast of a protected program entitled to such expanded protection, notify each satellite carrier that has previously received notice of all changes from the original notice.

(g) In determining which programs must be deleted from a television signal, a satellite carrier may rely on information from newspapers or magazines of general circulation, the broadcaster requesting exclusivity protection, or the nationally distributed superstation.

(h) If a satellite carrier asks a nationally distributed superstation for information about its program schedule, the nationally distributed superstation shall answer the request:

(i) Within ten business days following its receipt of the request; or

(ii) Sixty days before the program or programs mentioned in the request for information will be broadcast, whichever comes later.

(i) A broadcaster exercising exclusivity pursuant to this section shall provide to the satellite carrier, upon request, an exact copy of those portions of the contracts, such portions to be signed by both the network and the broadcaster, setting forth in full the provisions pertinent to the duration, nature, and extent of the non-duplication terms concerning broadcast signal exhibition to which the parties have agreed.

(j) A satellite carrier is not required to delete the duplicating programming of any nationally distributed superstation that is carried by the satellite carrier as a local station pursuant to § 76.66 of this chapter or as a significantly viewed station pursuant to § 76.54 of this chapter

(1) Within the station's local market;

(2) If the station is "significantly viewed," pursuant to § 76.54 of this chapter, in zip code areas included within the zone of protection unless a waiver of the significantly viewed exception is granted pursuant to § 76.7 of this chapter; or

(3) If the zone of protection falls, in whole or in part, within that signal's grade B contour or noise limited service contour.

(k) A satellite carrier is not required to delete the duplicating programming of any nationally distributed superstation from an individual subscriber who is located outside the zone of protection, notwithstanding that the subscriber lives within a zip code provided by the broadcaster pursuant to paragraph (c) of this section.

(l) A satellite carrier is not required to delete programming if it has fewer than 1,000 subscribers within the relevant protected zone who subscribe to the nationally distributed superstation carrying the programming for which deletion is requested pursuant to paragraph (c) of this section.

47 CFR § 76.123. Satellite syndicated program exclusivity.

(a) Upon receiving notification pursuant to paragraph (d) of this section, a satellite carrier shall not deliver, to subscribers located within zip code areas in whole or in part within the zone of protection of a commercial television station licensed by the Commission, a program carried on a nationally distributed superstation or on a station carried pursuant to § 76.54 of this chapter when the syndicated program exclusivity rights to such program are held by the commercial television station providing notice, except as provided in paragraphs (k), (l) and (m) of this section.

(b) Television broadcast station licensees shall be entitled to exercise exclusivity rights pursuant to this Section in accordance with the contractual provisions of their syndicated program license agreements, consistent with § 76.124.

(c) Distributors of syndicated programming shall be entitled to exercise exclusive rights pursuant to this Section for a period of one year from the initial broadcast syndication licensing of such programming anywhere in the United States; provided, however, that distributors shall not be entitled to exercise such rights in areas in which the programming has already been licensed.

(d) In order to exercise exclusivity rights pursuant to this Section, distributors of syndicated programming or television broadcast stations shall notify each satellite carrier of the exclusivity sought in accordance with the requirements of this paragraph. Syndicated program exclusivity notices shall include the following information:

(1) The name and address of the party requesting exclusivity and the television broadcast station or other party holding the exclusive right;

(2) The name of the program or series (including specific episodes where necessary) for which exclusivity is sought;

(3) The dates on which exclusivity is to begin and end; and

(4) A list of the U.S. postal zip code(s) that encompass the zone of protection under these rules.

(e) A distributor or television station exercising exclusivity pursuant to this Section shall provide to the satellite carrier, upon request, an exact copy of those portions of the exclusivity contracts, such portions to be signed by both the distributor and the television station, setting forth in full

~~the provisions pertinent to the duration, nature, and extent of the exclusivity terms concerning broadcast signal exhibition to which the parties have agreed.~~

~~**(f)** Television broadcast stations or distributors entering into contracts on or after November 29, 2000, which contain syndicated exclusivity protection with respect to satellite retransmission of programming, shall notify affected satellite carriers within sixty calendar days of the signing of such a contract. Television broadcast stations or distributors who have entered into contracts prior to November 29, 2000, and who comply with the requirements specified in § 76.124 shall notify affected satellite carriers on or before January 31, 2001; provided, however, that with respect to pre-November 29, 2000 contracts that require amendment in order to invoke the provisions of these rules, notification may be given within sixty calendar days of the signing of such amendment.~~

~~**(g)** Except as otherwise provided in this section, a television broadcast station shall be entitled to exclusivity protection beginning on the later of:~~

~~**(1)** The date specified in its notice to the satellite carrier; or~~

~~**(2)** The first day of the calendar week (Sunday through Saturday) that begins 60 days after the satellite carrier receives notice from the broadcaster.~~

~~Provided, however, that with respect to notifications given pursuant to this section prior to June 1, 2001, a satellite carrier is not required to provide syndicated exclusivity protection until 120 days after the satellite carrier receives such notification.~~

~~**(h)** In determining which programs must be deleted from a television broadcast signal, a satellite carrier may rely on information from the distributor or television broadcast station requesting exclusivity; newspapers or magazines of general circulation; or the nationally distributed superstation whose programs may be subject to deletion.~~

~~**(i)** If a satellite carrier asks a nationally distributed superstation for information about its program schedule, the nationally distributed superstation shall answer the request:~~

~~**(1)** Within ten business days following the its receipt of the request; or~~

~~**(2)** Sixty days before the program or programs mentioned in the request for information will be broadcast; whichever comes later.~~

~~**(j)** In the event the exclusivity specified in paragraph (a) of this section has been limited or has ended prior to the time specified in the notice, the distributor or broadcaster who has supplied the original notice shall, as soon as possible, inform each satellite carrier that has previously received the notice of all changes from the original notice. In the event the original notice specified contingent dates on which exclusivity is to begin and/or end, the distributor or broadcaster shall, as soon as possible, notify the satellite carrier of the occurrence of the relevant contingency. Notice to be furnished "as soon as possible" under this Subsection shall be furnished by telephone, telegraph, facsimile, e-mail, overnight mail or other similar expedient means.~~

~~**(k)** A satellite carrier is not required to delete the programming of any nationally distributed superstation that is carried by the satellite carrier as a local station pursuant to § 76.66 of this chapter or as a significantly viewed station pursuant to § 76.54 of this chapter:~~

~~**(1)** Within the station's local market;~~

~~**(2)** If the station is "significantly viewed," pursuant to § 76.54 of this chapter, in zip code areas included within the zone of protection unless a waiver of the significantly viewed exception is granted pursuant to § 76.7 of this chapter; or~~

~~**(3)** If the zone of protection falls, in whole or in part, within that signal's grade B contour or noise limited service contour.~~

~~**(l)** A satellite carrier is not required to delete the duplicating programming of any nationally distributed superstation from an individual subscriber who is located outside the zone of protection, notwithstanding that the subscriber lives within a zip code provided by the broadcaster pursuant to paragraph (d) of this section.~~

~~**(m)** A satellite carrier is not required to delete programming if it has fewer than 1,000 subscribers within the relevant protected zone who subscribe to the nationally distributed superstation carrying the programming for which deletion is requested pursuant to paragraph (d) of this section.~~

Political File Rules Applicable to DBS Providers

47 C.F.R. § 25.701. Other DBS Public Interest Obligations.

(a) DBS providers are subject to the public interest obligations set forth in paragraphs (b), (c), (d), (e) and (f) of this section. As used in this section, DBS providers are any of the following:

(1) Entities licensed to operate satellites in the 12.2 to 12.7 GHz DBS frequency bands; or

(2) Entities licensed to operate satellites in the Ku band Fixed-Satellite Service and that sell or lease capacity to a video programming distributor that offers service directly to consumers providing a sufficient number of channels so that four percent of the total applicable programming channels yields a set aside of at least one channel of non commercial programming pursuant to paragraph (e) of this section, or

(3) Non U.S. licensed satellite operators in the Ku band that offer video programming directly to consumers in the United States pursuant to an earth station license issued under part 25 of this title and that offer a sufficient number of channels to consumers so that four percent of the total applicable programming channels yields a set aside of one channel of noncommercial programming pursuant to paragraph (e) of this section, or

(4) Entities licensed to operate satellites in the 17/24 GHz BSS that offer video programming directly to consumers or that sell or lease capacity to a video programming distributor that offers service directly to consumers providing a sufficient number of channels so that four percent of the total applicable programming channels yields a set aside of at least one channel of noncommercial programming pursuant to paragraph (e) of this section, or

(5) Non U.S. licensed satellite operators in the 17/24 GHz BSS that offer video programming directly to consumers in the United States or that sell or lease capacity to a video programming distributor that offers service directly to consumers in the United States pursuant to an earth station license issued under part 25 of this title and that offer a sufficient number of channels

to consumers so that four percent of the total applicable programming channels yields a set aside of one channel of noncommercial programming pursuant to paragraph (e) of this section.

(b) Political broadcasting requirements—

(1) Legally qualified candidates for public office for purposes of this section are as defined in § 73.1940 of this chapter.

(2) DBS origination programming is defined as programming (exclusive of broadcast signals) carried on a DBS facility over one or more channels and subject to the exclusive control of the DBS provider.

(3) ***Reasonable access.***

(i) DBS providers must comply with section 312(a)(7) of the Communications Act of 1934, as amended, by allowing reasonable access to, or permitting purchase of reasonable amounts of time for, the use of their facilities by a legally qualified candidate for federal elective office on behalf of his or her candidacy.

(ii) ***Weekend access.*** For purposes of providing reasonable access, DBS providers shall make facilities available for use by federal candidates on the weekend before the election if the DBS provider has provided similar access to commercial advertisers during the year preceding the relevant election period. DBS providers shall not discriminate between candidates with regard to weekend access.

(4) ***Use of facilities; equal opportunities.*** DBS providers must comply with section 315 of the Communications Act of 1934, as amended, by providing equal opportunities to legally qualified candidates for DBS origination programming.

(i) ***General requirements.*** Except as otherwise indicated in § 25.701(b)(3), no DBS provider is required to permit the use of its facilities by any legally qualified candidate for public office, but if a DBS provider shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for that office to use such facilities. Such DBS provider shall have no power of censorship over the material broadcast by any such candidate. Appearance by a legally qualified candidate on any:

(A) Bona fide newscast;

(B) Bona fide news interview;

(C) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(D) On the spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto) shall not be deemed to be use of a DBS provider's facility. (Section 315(a) of the Communications Act.)

(ii) ***Uses.*** As used in this section and § 25.701(c), the term “use” means a candidate appearance (including by voice or picture) that is not exempt under paragraphs (b)(3)(i)(A) through (b)(3)(i)(D) of this section.

(iii) ***Timing of request.*** A request for equal opportunities must be submitted to the DBS provider within 1 week of the day on which the first prior use giving rise to the right of

equal opportunities occurred: Provided, however, That where the person was not a candidate at the time of such first prior use, he or she shall submit his or her request within 1 week of the first subsequent use after he or she has become a legally qualified candidate for the office in question.

(iv) ***Burden of proof.*** A candidate requesting equal opportunities of the DBS provider or complaining of noncompliance to the Commission shall have the burden of proving that he or she and his or her opponent are legally qualified candidates for the same public office.

(v) ***Discrimination between candidates.*** In making time available to candidates for public office, no DBS provider shall make any discrimination between candidates in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any DBS provider make any contract or other agreement that shall have the effect of permitting any legally qualified candidate for any public office to use DBS origination programming to the exclusion of other legally qualified candidates for the same public office.

(c) ***Candidate rates*****—(1)** ***Charges for use of DBS facilities.*** The charges, if any, made for the use of any DBS facility by any person who is a legally qualified candidate for any public office in connection with his or her campaign for nomination for election, or election, to such office shall not exceed:

(i) During the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the DBS provider for the same class and amount of time for the same period.

(A) A candidate shall be charged no more per unit than the DBS provider charges its most favored commercial advertisers for the same classes and amounts of time for the same periods. Any facility practices offered to commercial advertisers that enhance the value of advertising spots must be disclosed and made available to candidates upon equal terms. Such practices include but are not limited to any discount privileges that affect the value of advertising, such as bonus spots, time sensitive make goods, preemption priorities, or any other factors that enhance the value of the announcement.

(B) The Commission recognizes non preemptible, preemptible with notice, immediately preemptible and run of schedule as distinct classes of time.

(C) DBS providers may establish and define their own reasonable classes of immediately preemptible time so long as the differences between such classes are based on one or more demonstrable benefits associated with each class and are not based solely upon price or identity of the advertiser. Such demonstrable benefits include, but are not limited to, varying levels of preemption protection, scheduling flexibility, or associated privileges, such as guaranteed time sensitive make goods. DBS providers may not use class distinctions to defeat the purpose of the lowest unit charge requirement. All classes must be fully disclosed and made available to candidates.

(D) DBS providers may establish reasonable classes of preemptible with notice time so long as they clearly define all such classes, fully disclose them and make them available to candidates.

(E) DBS providers may treat non preemptible and fixed position as distinct classes of time provided that they articulate clearly the differences between such classes, fully disclose them, and make them available to candidates.

(F) DBS providers shall not establish a separate, premium priced class of time sold only to candidates. DBS providers may sell higher priced non preemptible or fixed time to candidates if such a class of time is made available on a bona fide basis to both candidates and commercial advertisers, and provided such class is not functionally equivalent to any lower priced class of time sold to commercial advertisers.

(G) [Reserved]

(H) Lowest unit charge may be calculated on a weekly basis with respect to time that is sold on a weekly basis, such as rotations through particular programs or dayparts. DBS providers electing to calculate the lowest unit charge by such a method must include in that calculation all rates for all announcements scheduled in the rotation, including announcements aired under long term advertising contracts. DBS providers may implement rate increases during election periods only to the extent that such increases constitute "ordinary business practices," such as seasonal program changes or changes in audience ratings.

(I) DBS providers shall review their advertising records periodically throughout the election period to determine whether compliance with this section requires that candidates receive rebates or credits. Where necessary, DBS providers shall issue such rebates or credits promptly.

(J) Unit rates charged as part of any package, whether individually negotiated or generally available to all advertisers, must be included in the lowest unit charge calculation for the same class and length of time in the same time period. A candidate cannot be required to purchase advertising in every program or daypart in a package as a condition for obtaining package unit rates.

(K) DBS providers are not required to include non cash promotional merchandising incentives in lowest unit charge calculations; provided, however, that all such incentives must be offered to candidates as part of any purchases permitted by the system. Bonus spots, however, must be included in the calculation of the lowest unit charge calculation.

(L) Make goods, defined as the rescheduling of preempted advertising, shall be provided to candidates prior to election day if a DBS provider has provided a time sensitive make good during the year preceding the pre election periods, respectively set forth in paragraph (c)(1)(i) of this section, to any commercial advertiser who purchased time in the same class.

(M) DBS providers must disclose and make available to candidates any make good policies provided to commercial advertisers. If a DBS provider places a make good for any commercial advertiser or other candidate in a more valuable program or daypart, the

value of such make good must be included in the calculation of the lowest unit charge for that program or daypart.

(ii) At any time other than the respective periods set forth in paragraph (c)(1)(i) of this section, DBS providers may charge legally qualified candidates for public office no more than the charges made for comparable use of the facility by commercial advertisers. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, direct or indirect. A candidate shall be charged no more than the rate the DBS provider would charge for comparable commercial advertising. All discount privileges otherwise offered by a DBS provider to commercial advertisers must be disclosed and made available upon equal terms to all candidates for public office.

(2) If a DBS provider permits a candidate to use its facilities, it shall make all discount privileges offered to commercial advertisers, including the lowest unit charges for each class and length of time in the same time period and all corresponding discount privileges, available on equal terms to all candidates. This duty includes an affirmative duty to disclose to candidates information about rates, terms, conditions and all value enhancing discount privileges offered to commercial advertisers, as provided herein. DBS providers may use reasonable discretion in making the disclosure; provided, however, that the disclosure includes, at a minimum, the following information:

(i) A description and definition of each class of time available to commercial advertisers sufficiently complete enough to allow candidates to identify and understand what specific attributes differentiate each class;

(ii) A description of the lowest unit charge and related privileges (such as priorities against preemption and make goods prior to specific deadlines) for each class of time offered to commercial advertisers;

(iii) A description of the DBS provider's method of selling preemptible time based upon advertiser demand, commonly known as the "current selling level," with the stipulation that candidates will be able to purchase at these demand generated rates in the same manner as commercial advertisers;

(iv) An approximation of the likelihood of preemption for each kind of preemptible time; and

(v) An explanation of the DBS provider's sales practices, if any, that are based on audience delivery, with the stipulation that candidates will be able to purchase this kind of time, if available to commercial advertisers.

(3) Once disclosure is made, DBS providers shall negotiate in good faith to actually sell time to candidates in accordance with the disclosure.

~~**(d)** ***Political file.***~~

~~**(1)** Each DBS operator engaged in origination programming shall maintain, and make available for public inspection, a complete record of a request to purchase adverting time that:~~

~~**(i)** Is made by or on behalf of a legally qualified candidate for public office; or~~

~~**(ii)** Communicates a message relating to any political matter of national importance, including:~~

~~**(A)** A legally qualified candidate;~~

~~**(B)** Any election to Federal office; or~~

~~**(C)** A national legislative issue of public importance.~~

~~**(2)** A record maintained under this paragraph shall contain information regarding:~~

~~**(i)** Whether the request to purchase advertising time is accepted or rejected by the DBS operator;~~

~~**(ii)** The rate charged for the advertising time;~~

~~**(iii)** The date and time on which the communication is aired;~~

~~**(iv)** The class of time that is purchased;~~

~~**(v)** The name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);~~

~~**(vi)** In the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and~~

~~**(vii)** In the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.~~

~~**(3)** When free time is provided for use by or on behalf of candidates, a record of the free time provided shall be placed in the political file.~~

~~**(4)** All records required by this paragraph shall be placed in the online public file hosted by the Commission as soon as possible and shall be retained for a period of two years. As soon as possible means immediately absent unusual circumstances.~~

(e) ***Commercial limits in children's programs.***

(1) No DBS provider shall air more than 10.5 minutes of commercial matter per hour during children's programming on weekends, or more that 12 minutes of commercial matter per hour on week days.

(2) This rule shall not apply to programs aired on a broadcast television channel which the DBS provider passively carries, or to channels over which the DBS provider may not exercise editorial control, pursuant to 47 U.S.C. 335(b)(3).

(3) DBS providers airing children's programming must maintain in the online file hosted by the Commission records sufficient to verify compliance with this rule. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

(f) Carriage obligation for noncommercial programming—

(1) ***Reservation requirement.*** DBS providers shall reserve four percent of their channel capacity exclusively for use by qualified programmers for noncommercial programming of an educational or informational nature. Channel capacity shall be determined annually by calculating, based on measurements taken on a quarterly basis, the average number of channels available for video programming on all satellites licensed to the provider during the previous year. DBS providers may use this reserved capacity for any purpose until such time as it is used for noncommercial educational or informational programming.

(2) ***Qualified programmer.*** For purposes of these rules, a qualified programmer is:

(i) A noncommercial educational broadcast station as defined in section 397(6) of the Communications Act of 1934, as amended,

(ii) A public telecommunications entity as defined in section 397(12) of the Communications Act of 1934, as amended,

(iii) An accredited nonprofit educational institution or a governmental organization engaged in the formal education of enrolled students (A publicly supported educational institution must be accredited by the appropriate state department of education; a privately controlled educational institution must be accredited by the appropriate state department of education or the recognized regional and national accrediting organizations), or

(iv) A nonprofit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations.

(v) Other noncommercial entities with an educational mission.

(3) ***Editorial control.***

(i) A DBS operator will be required to make capacity available only to qualified programmers and may select among such programmers when demand exceeds the capacity of their reserved channels.

(ii) A DBS operator may not require the programmers it selects to include particular programming on its channels.

(iii) A DBS operator may not alter or censor the content of the programming provided by the qualified programmer using the channels reserved pursuant to this section.

(4) Non-commercial channel limitation. A DBS operator cannot initially select a qualified programmer to fill more than one of its reserved channels except that, after all qualified entities that have sought access have been offered access on at least one channel, a provider may allocate additional channels to qualified programmers without having to make additional efforts to secure other qualified programmers.

(5) ***Rates, terms and conditions.***

(i) In making the required reserved capacity available, DBS providers cannot charge rates that exceed costs that are directly related to making the capacity available to qualified

programmers. Direct costs include only the cost of transmitting the signal to the uplink facility and uplinking the signal to the satellite.

(ii) Rates for capacity reserved under paragraph (a) of this section shall not exceed 50 percent of the direct costs as defined in this section.

(iii) Nothing in this section shall be construed to prohibit DBS providers from negotiating rates with qualified programmers that are less than 50 percent of direct costs or from paying qualified programmers for the use of their programming.

(iv) DBS providers shall reserve discrete channels and offer these to qualifying programmers at consistent times to fulfill the reservation requirement described in these rules.

(6) ***Public file.***

(i) In addition to the political file requirements in § 25.701, each DBS provider shall maintain in the online file hosted by the Commission a complete and orderly record of:

(A) Quarterly measurements of channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its response to any capacity changes;

(B) A record of entities to whom noncommercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity;

(C) A record of entities that have requested capacity, disposition of those requests and reasons for the disposition.

(D) Each satellite carrier shall, no later than July 31, 2020, provide an up-to-date email address for carriage election notice submissions and an up-to-date phone number for carriage-related questions. Each satellite carrier is responsible for the continuing accuracy and completeness of the information furnished. It must respond to questions from broadcasters as soon as is reasonably possible.

(ii) All records required by paragraph (i) of this paragraph shall be placed in the online file hosted by the Commission as soon as possible and shall be retained for a period of two years.

(iii) Each DBS provider must also place in the online file hosted by the Commission the records required to be placed in the public inspection file by § 25.701(e) (commercial limits in children's programs) and by § 25.601 and 47 CFR part 76, subpart E (equal employment opportunity requirements) and retain those records for the period required by those rules.

(iv) Each DBS provider must provide a link to the online public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the provider has a Web site, and provide on its Web site contact information for a representative who can assist any person with disabilities with issues related to the content of the public files. Each DBS provider also must include in the online public file hosted by the Commission the address of the provider’s local public file, if the provider retains documents in the local public file that are not available in the Commission's online file, and the name, phone

number, and email address of the provider's designated contact for questions about the public file.

(7) ***Effective date.*** DBS providers are required to make channel capacity available pursuant to this section upon the effective date. Programming provided pursuant to this rule must be available to the public no later than six months after the effective date.

HD Must-Carry Rules.

47 CFR § 76.66. Satellite broadcast signal carriage.

(a) ***Definitions*****—(1)** ***Satellite carrier.*** A satellite carrier is an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission, and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or a service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing.

(2) ***Secondary transmission.*** A secondary transmission is the further transmitting of a primary transmission simultaneously with the primary transmission.

(3) ***Subscriber.*** A subscriber is a person who receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

(4) ***Television broadcast station.*** A television broadcast station is an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station.

(5) ***Television network.*** For purposes of this section, a television network is an entity which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

(6) ***Local-into-local television service.*** A satellite carrier is providing local-into-local service when it retransmits a local television station signal back into the local market of that television station for reception by subscribers.

(b) ***Signal carriage obligations.***

(1) Each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b) of title 47, United States Code, and other paragraphs in this section. Satellite carriers are required to carry digital-only stations upon request in markets in which the satellite carrier is providing any local-into-local service pursuant to the statutory copyright license.

(2) A satellite carrier that offers multichannel video programming distribution service in the United States to more than 5,000,000 subscribers shall, no later than December 8, 2005, carry upon request the signal originating as an analog signal of each television broadcast station that is located in a local market in Alaska or Hawaii; and shall, no later than June 8, 2007, carry upon request the signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii. Such satellite carrier is not required to carry the signal originating as analog after commencing carriage of digital signals on June 8, 2007. Carriage of signals originating as digital signals of each television broadcast station that is located in a local market in Alaska or Hawaii shall include the entire free over-the-air signal, including multicast and high definition digital signals.

(c) ***Election cycle.*** In television markets where a satellite carrier is providing local-into-local service, a commercial television broadcast station may elect either retransmission consent, pursuant to section 325 of title 47 United States Code, or mandatory carriage, pursuant to section 338, title 47 United States Code.

(1) The first retransmission consent-mandatory carriage election cycle shall be for a four-year period commencing on January 1, 2002 and ending December 31, 2005.

(2) The second retransmission consent-mandatory carriage election cycle, and all cycles thereafter, shall be for a period of three years (e.g. the second election cycle commences on January 1, 2006 and ends at midnight on December 31, 2008).

(3) A commercial television station must notify a satellite carrier, by July 1, 2001, of its retransmission consent-mandatory carriage election for the first election cycle commencing January 1, 2002.

(4) Except as provided in paragraphs (c)(6), (d)(2) and (d)(3) of this section, local commercial television broadcast stations shall make their retransmission consent-mandatory carriage election by October 1st of the year preceding the new cycle for all election cycles after the first election cycle.

(5) [Reserved]

(6) A commercial television broadcast station located in a local market in Alaska or Hawaii shall make its retransmission consent-mandatory carriage election by October 1, 2005, for carriage of its signal that originates as an analog signal for carriage commencing on December 8, 2005, and by April 1, 2007, for its signal that originates as a digital signal for carriage commencing on June 8, 2007 and ending on December 31, 2008. For analog and digital signal carriage cycles commencing after December 31, 2008, such stations shall follow the election cycle in paragraphs (c)(2) and (4). A noncommercial television broadcast station located in a local market in Alaska or Hawaii must request carriage by October 1, 2005, for carriage of its signal that originates as an analog signal for carriage commencing on December 8, 2005, and by April 1, 2007, for its signal that originates as a digital signal for carriage commencing on June 8, 2007 and ending on December 31, 2008.

(d) ***Carriage procedures*****—(1)** ***Carriage requests.***

(i) An election for mandatory carriage made by a television broadcast station shall be treated as a request for carriage. For purposes of this paragraph (d), the term election request includes an election of retransmission consent or mandatory carriage.

(ii) Each satellite carrier shall, no later than July 31, 2020, provide an up-to-date email address for carriage election notice submissions and an up-to-date phone number for carriage-related questions. Each satellite carrier is responsible for the continuing accuracy and completeness of the information furnished. It must respond to questions from broadcasters as soon as is reasonably possible.

(iii) A station shall send a notice of its election to a satellite carrier only if changing its election with respect to one or more of the markets served by that carrier. Such notice shall be sent to the email address provided by the satellite carrier and carbon copied to *ElectionNotices@FCC.gov*.

(iv) A television station's written notification shall include with respect to each station referenced in the notice, the:

(A) Call sign;

(B) Community of license;

(C) DMA where the station is located;

(D) Specific change being made in election status;

(E) Email address for carriage-related questions;

(F) Phone number for carriage-related questions; and

(G) Name of the appropriate station contact person.

(v) A satellite carrier must respond via email as soon as is reasonably possible, acknowledging receipt of a television station's election notice.

(vi) Within 30 days of receiving a television station's carriage request, and subject to paragraph (d)(2)(ii) of this section, a satellite carrier shall notify in writing:

(A) Those local television stations it will not carry, along with the reasons for such a decision; and

(B) Those local television stations it intends to carry.

(vii) A satellite carrier is not required to carry a television station, for the duration of the election cycle, if the station fails to assert its carriage rights by the deadlines established in this section.

(2) ***New local-into-local service.***

(i) A new satellite carrier or a satellite carrier providing local service in a market for the first time after July 1, 2001, shall inform each television broadcast station licensee within any local market in which a satellite carrier proposes to commence carriage of signals of stations from that market, not later than 60 days prior to the commencement of such carriage

(A) Of the carrier's intention to launch local-into-local service under this section in a local market, the identity of that local market, and the location of the carrier's proposed local receive facility for that local market;

(B) Of the right of such licensee to elect carriage under this section or grant retransmission consent under section 325(b);

(C) That such licensee has 30 days from the date of the receipt of such notice to make such election; and

(D) That failure to make such election will result in the loss of the right to demand carriage under this section for the remainder of the 3-year cycle of carriage under section 325.

(ii) Except as provided in this paragraph (d)(2)(ii), satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the consolidated database system maintained by the Commission. After July 31, 2020, the written notices required by paragraphs (d)(1)(vi), (d)(2)(i), (v), and (vi), (d)(3)(iv), (d)(5)(i), (f)(3) and (4), and (h)(5) of this section shall be delivered electronically via email to the email address for carriage-related questions that the station lists in its public file in accordance with §§ 73.3526 and 73.3527 of this title.

(iii) A satellite carrier with more than five million subscribers shall provide the notice as required by paragraphs (d)(2)(i) and (ii) of this section to each television broadcast station located in a local market in Alaska or Hawaii, not later than March 1, 2007 with respect to carriage of digital signals; provided, further, that the notice shall also describe the carriage requirements pursuant to 47 U.S.C. 338(a)(4), and paragraph (b)(2) of this section.

(iv) A satellite carrier shall commence carriage of a local station by the later of 90 days from receipt of an election of mandatory carriage or upon commencing local-into-local service in the new television market.

(v) Within 30 days of receiving a local television station's election of mandatory carriage in a new television market, a satellite carrier shall notify in writing those local television stations it will not carry, along with the reasons for such decision, and those local television stations it intends to carry. After July 31, 2020, the written notices required by this paragraph (d)(2)(v) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(vi) Satellite carriers shall notify all local stations in a market of their intent to launch HD carry-one, carry-all in that market at least 60 days before commencing such carriage. After July 31, 2020, the written notices required by this paragraph (d)(2)(vi) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(3) ***New television stations.***

(i) A television station providing over-the-air service in a market for the first time on or after July 1, 2001, shall be considered a new television station for satellite carriage purposes.

(ii) A new television station shall make its election request, in writing, sent to the satellite carrier's email address provided by the satellite carrier and carbon copied to *ElectionNotices@FCC.gov,* between 60 days prior to commencing broadcasting and 30

days after commencing broadcasting. This written notification shall include the information required by paragraph (d)(1)(iv) of this section.

(iii) A satellite carrier shall commence carriage within 90 days of receiving the request for carriage from the television broadcast station or whenever the new television station provides over-the-air service.

(iv) Within 30 days of receiving a new television station's election of mandatory carriage, a satellite carrier shall notify the station in writing that it will not carry the station, along with the reasons for such decision, or that it intends to carry the station. After July 31, 2020, the written notices required by this paragraph (d)(3)(iv) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(4) Television broadcast stations must send election requests as provided in paragraphs (d)(1), (2), and (3) of this section on or before the relevant deadline.

(5) ***Elections in markets in which significantly viewed signals are carried.***

(i) Beginning with the election cycle described in paragraph (c)(2) of this section, the retransmission of significantly viewed signals pursuant to § 76.54 by a satellite carrier that provides local-into-local service is subject to providing the notifications to stations in the market pursuant to paragraphs (d)(5)(i)(A) and (B) of this section, unless the satellite carrier was retransmitting such signals as of the date these notifications were due. After July 31, 2020, the written notices required by this paragraph (d)(5)(i) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(A) In any local market in which a satellite carrier provided local-into-local service on December 8, 2004, at least 60 days prior to any date on which a station must make an election under paragraph (c) of this section, identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle and the communities into which the satellite carrier reserves the right to make such retransmissions;

(B) In any local market in which a satellite carrier commences local-into-local service after December 8, 2004, at least 60 days prior to the commencement of service in that market, and thereafter at least 60 days prior to any date on which the station must thereafter make an election under § 76.66(c) or (d)(2), identify each affiliate of the same television network that the carrier reserves the right to retransmit into that station's local market during the next election cycle.

(ii) A television broadcast station located in a market in which a satellite carrier provides local-into-local television service may elect either retransmission consent or mandatory carriage for each county within the station's local market if the satellite carrier provided notice to the station, pursuant to paragraph (d)(5)(i) of this section, that it intends to carry during the next election cycle, or has been carrying on the date notification was due, in the station's local market another affiliate of the same network as a significantly viewed signal pursuant to § 76.54.

(iii) A television broadcast station that elects mandatory carriage for one or more counties in its market and elects retransmission consent for one or more other counties in its market

pursuant to paragraph (d)(5)(ii) of this section shall conduct a unified negotiation for the entire portion of its local market for which retransmission consent is elected.

(iv) A television broadcast station that receives a notification from a satellite carrier pursuant to paragraph (d)(5)(i) of this section with respect to an upcoming election cycle may choose either retransmission consent or mandatory carriage for any portion of the 3-year election cycle that is not covered by an existing retransmission consent agreement.

(6) ***Carriage after a market modification.*** Television broadcast stations that become eligible for mandatory carriage with respect to a satellite carrier (pursuant to § 76.66) due to a change in the market definition (by operation of a market modification pursuant to § 76.59) may, within 30 days of the effective date of the new definition, elect retransmission consent or mandatory carriage with respect to such carrier. A satellite carrier shall commence carriage within 90 days of receiving the carriage election from the television broadcast station. The election must be made in accordance with the requirements in paragraph (d)(1) of this section.

(e) ***Market definitions.***

(1) A local market, in the case of both commercial and noncommercial television broadcast stations, is the designated market area in which a station is located, unless such market is amended pursuant to § 76.59, and

(i) In the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area within the same local market; and

(ii) In the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

(2) A designated market area is the market area, as determined by Nielsen Media Research and published in the 1999-2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates, the October 2021 Nielsen Local TV Station Information Report, or any successor publication. In the case of areas outside of any designated market area, any census area, borough, or other area in the State of Alaska that is outside of a designated market area, as determined by Nielsen Media Research, shall be deemed to be part of one of the local markets in the State of Alaska.

(3) A satellite carrier shall use the October 2021 Nielsen Local TV Station Information for the retransmission consent-mandatory carriage election cycle commencing on January 1, 2024, and ending on December 31, 2026. The October 2024 Nielsen Local TV Station Information Report shall be used for the retransmission consent-mandatory carriage election cycle commencing January 1, 2027, and ending December 31, 2029, and so forth using the publications for the October two years prior to each triennial election pursuant to this section. Provided, however, that a county deleted from a market by Nielsen need not be subtracted from a market in which a satellite carrier provides local-into-local service, if that county is assigned to that market in the 1999-2000 Nielsen Station Index Directory or any subsequent issue of that publication, or the Local TV Station Information Report commencing with October 2021, and every three years thereafter (*i.e.*, October 2024, October 2027, etc.). A satellite carrier may determine which local market in the State of Alaska will be deemed to

be the relevant local market in connection with each subscriber in an area in the State of Alaska that is outside of a designated market, as described in paragraph (e)(2) of this section.

(4) A local market includes all counties to which stations assigned to that market are licensed.

(f) ***Receive facilities.***

(1) A local receive facility is the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

(2) A satellite carrier may establish another receive facility to serve a market if the location of such a facility is acceptable to at least one-half the stations with carriage rights in that market.

(3) Except as provided in paragraph (d)(2) of this section, a satellite carrier providing local-into-local service must notify local television stations of the location of the receive facility by June 1, 2001 for the first election cycle and at least 120 days prior to the commencement of all election cycles thereafter. After July 31, 2020, the written notices required by this paragraph (f)(3) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(4) A satellite carrier may relocate its local receive facility at the commencement of each election cycle. A satellite carrier is also permitted to relocate its local receive facility during the course of an election cycle, if it bears the signal delivery costs of the television stations affected by such a move. A satellite carrier relocating its local receive facility must provide 60 days notice to all local television stations carried in the affected television market. After July 31, 2020, the written notices required by this paragraph (f)(4) shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(g) ***Good quality signal.***

(1) A television station asserting its right to carriage shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

(2) To be considered a good quality signal for satellite carriage purposes, a television station shall deliver to the local receive facility of a satellite carrier either a signal level of −45dBm for UHF signals or −49dBm for VHF signals at the input terminals of the signal processing equipment.

(3) A satellite carrier is not required to carry a television station that does not agree to be responsible for the costs of delivering a good quality signal to the receive facility.

(h) ***Duplicating signals.***

(1) A satellite carrier shall not be required to carry upon request the signal of any local television broadcast station that substantially duplicates the signal of another local television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.

(2) A satellite carrier may select which duplicating signal in a market it shall carry.

(3) A satellite carrier may select which network affiliate in a market it shall carry.

(4) A satellite carrier is permitted to drop a local television station whenever that station meets the substantial duplication criteria set forth in this paragraph. A satellite carrier must add a television station to its channel line-up if such station no longer duplicates the programming of another local television station.

(5) A satellite carrier shall provide notice to its subscribers, and to the affected television station, whenever it adds or deletes a station's signal in a particular local market pursuant to this paragraph (h)(5). After July 31, 2020, the required notice to the affected television station shall be delivered to the station electronically in accordance with paragraph (d)(2)(ii) of this section.

(6) A commercial television station substantially duplicates the programming of another commercial television station if it simultaneously broadcasts the identical programming of another station for more than 50 percent of the broadcast week.

(7) A noncommercial television station substantially duplicates the programming of another noncommercial station if it simultaneously broadcasts the same programming as another noncommercial station for more than 50 percent of prime time, as defined by § 76.5(n), and more than 50 percent outside of prime time over a three month period, Provided, however, that after three noncommercial television stations are carried, the test of duplication shall be whether more than 50 percent of prime time programming and more than 50 percent outside of prime time programming is duplicative on a non-simultaneous basis.

(i) ***Channel positioning.***

(1) No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels.

(2) The television stations subject to this paragraph include those carried under retransmission consent.

(3) All local television stations carried under mandatory carriage in a particular television market must be offered to subscribers at rates comparable to local television stations carried under retransmission consent in that same market.

(4) Within a market, no satellite carrier shall provide local-into-local service in a manner that requires subscribers to obtain additional equipment at their own expense or for an additional carrier charge in order to obtain one or more local television broadcast signals if such equipment is not required for the receipt of other local television broadcast signals.

(5) All television stations carried under mandatory carriage, in a particular market, shall be presented to subscribers in the same manner as television stations that elected retransmission consent, in that same market, on any navigational device, on-screen program guide, or menu provided by the satellite carrier.

~~**(j)** ***Manner of carriage.***~~

~~**(1)** Each television station carried by a satellite carrier, pursuant to this section, shall include in its entirety the primary video, accompanying audio, and closed captioning data contained in line 21 of the vertical blanking interval and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. For noncommercial educational television stations, a satellite carrier must also carry any program-related material that may be necessary for receipt of programming by persons with disabilities or for educational or language purposes. Secondary audio programming must also be carried. Where appropriate and feasible, satellite carriers may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the local receive facility.~~

~~**(2)** A satellite carrier, at its discretion, may carry any ancillary service transmission on the vertical blanking interval or the aural baseband of any television broadcast signal, including, but not limited to, multichannel television sound and teletext.~~

~~**(k)** ***Material degradation.***~~

~~**(1)** Each local television station whose signal is carried under mandatory carriage shall, to the extent technically feasible and consistent with good engineering practice, be provided with the same quality of signal processing provided to television stations electing retransmission consent, including carriage of HD signals in HD if any local station in the same market is carried in HD. A satellite carrier is permitted to use reasonable digital compression techniques in the carriage of local television stations.~~

~~**(2)** Satellite carriers must provide carriage of local stations' HD signals if any local station in the same market is carried in HD, pursuant to the following schedule:~~

~~**(i)** In at least 15% of the markets in which they carry any station pursuant to the statutory copyright license in HD by February 17, 2010;~~

~~**(ii)** In at least 30% of the markets in which they carry any station pursuant to the statutory copyright license in HD no later than February 17, 2011;~~

~~**(iii)** In at least 60% of the markets in which they carry any station pursuant to the statutory copyright license in HD no later than February 17, 2012; and~~

~~**(iv)** In 100% of the markets in which they carry any station pursuant to the statutory copyright license in HD by February 17, 2013.~~

(l) ***Compensation for carriage.***

(1) A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the mandatory carriage requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the receive facility of the satellite carrier.

(2) A satellite carrier may accept payments from a station pursuant to a retransmission consent agreement.

(m) ***Remedies.***

(1) Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations.

(2) The satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations.

(3) A local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission, in accordance with § 76.7 of title 47, Code of Federal Regulations. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

(4) The satellite carrier against which a complaint is filed is permitted to present data and arguments to establish that there has been no failure to meet its obligations under this section.

(5) The Commission shall determine whether the satellite carrier has met its obligations under this section. If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to take appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of this section, it shall dismiss the complaint.

(6) The Commission will not accept any complaint filed later than 60 days after a satellite carrier, either implicitly or explicitly, denies a television station's carriage request.

(n) ***Channel sharing carriage rights.*** A broadcast television station that voluntarily relinquishes spectrum usage rights under § 73.3700 of this chapter in order to share a television channel and that possessed carriage rights under section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, shall have, at its shared location, the carriage rights under such section that would apply to such station at such location if it were not sharing a channel.

(o) ***Next Gen TV carriage rights.***

(1) A broadcast television station that chooses to deploy Next Gen TV service, see § 73.682(f) of this chapter, may assert mandatory carriage rights under this section only with respect to its ATSC 1.0 signal and may not assert mandatory carriage rights with respect to its ATSC 3.0 signal.

(2) With respect to a Next Gen TV station that moves its 1.0 simulcast signal to a host station's (*i.e.*, a station whose facilities are being used to transmit programming originated by another station) facilities, the station may assert mandatory carriage rights under this section only if it:

(i) Qualified for, and has been exercising, mandatory carriage rights at its original location; and

(ii) Continues to qualify for mandatory carriage at the host station's facilities, including (but not limited to) delivering a good quality 1.0 signal to the satellite carrier local receive

facility, or agreeing to be responsible for the costs of delivering such 1.0 signal to the satellite carrier.